

Dear Mr Rea  
**24/01371/FP**

I am writing to object to the above application and to say that I agree with the Parish Council's response to you with respect to this application. I apologise that my this comes to you relatively late, however I was not consulted and have only recently become aware firstly of the amended proposals relating to changes to the highway which would affect Pedlars Lane and Kelshall Tops (for the reasons set out below), and secondly that you appear from your recently published report on this application to be unaware of the sewage discharge issues in Therfield, that report disregarding the Parish Council's representations concerns for lack of evidence. Part of my reason in writing to you therefore is to provide that evidence.

### ***Highways Issues***

An application for the erection of 7 houses was submitted on 2 July 2024 and notified to neighbours and statutory consultees in the usual way. Hertfordshire County Council as highways authority and one of the statutory consultees objected to the application for good and proper reasons. The applicant subsequently asked HCC whether it would be prepared to withdraw its objection if certain works were carried out outside the development site, works which the applicant cannot deliver without the agreement of both NHDC as planning authority and Hertfordshire County Council as highways authority. Conditional on those works being approved by both authorities (which can only be done after proper public consultation) and carried out (at the developer's cost), HCC agreed that its objection may be overcome. It is important to note - which you have not done in your report - that HCC is not offering any view as to whether these works would be acceptable having regard to material planning considerations or indeed that these would be appropriate works, absent the proposed development.

The recently proposed changes to the highway are not included within the description of the proposed development on NHDC's website, were not part of the proposals the subject of the original consultation and have not been appropriately consulted on, given that they would affect the flow of traffic through the entire village, not only neighbours.

These new proposals appear to involve the creation of a footpath in the carriageway in front of a property adjacent to the development site (the School House) to link to the existing footpath in front of Therfield First School, the narrowing of the existing carriageway to accommodate the footpath, the creation of a priority give way traffic calming feature, the reduction of the speed limit from 30mph to 20mph to enable a compliant visibility splay to be provided in respect of the proposed new entrance to the site, the imposition of parking restrictions adjacent to the

priority give way feature, the construction of road signage and markings in respect of the proposed new road layout and the stopping up of existing public rights of way. You acknowledge in your report (section 4.3.38) that the proposed arrangements would be a noticeable change to the existing highway network which would have an impact on the existing flow of traffic through the village. It most certainly would.

I have a number of concerns regarding these proposals. In particular however, I note that traffic which passes through Therfield as a rat-run between the A505 and A10 (to avoid going through Royston) instead of proceeding along The Causeway would use Pedlars Lane and Kelshall Tops to avoid the delays caused by the proposed traffic calming measures, particularly at peak times eg school drop off and pick up. Pedlars Lane and Kelshall Tops are almost entirely without pavements and diverting the traffic in this way would create a seriously dangerous situation.

Any traffic management scheme for Therfield, and its appropriate placement, should be the product of proper consultation and careful consideration, not devised simply to allow a planning application which would otherwise fall to be rejected on highway safety grounds to go ahead. That is particularly so where the scheme would create additional danger to pedestrians elsewhere in the village.

### ***Discharge of raw sewage***

In July 2023 NHDC declared an Ecological Emergency. The stated purpose of this declaration is to ensure that the ecological emergency and nature recovery are considered as strategic priorities for planning policies and design guides in relation to proposed new development.

NHDC adopted a Sustainability Supplementary Planning Document in September 2024. This document recognises that the chalk streams in the district are "internationally important".

The NPPF (Para 187 (e)) states that planning decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution.

The sewerage undertaker in the district is Thames Water. Thames Water has been the subject of a tsunami of criticism from, among others, the regulator (Ofwat) and the Environment Agency for pumping untreated sewage into rivers and streams in breach of its statutory and licence obligations.

The Environment Agency annually releases data of the number of hours that sewage has been reported as having been released into our rivers. In 2023 Therfield sewage treatment works

reportedly released sewage for a total of 244.75 hours<sup>1</sup>. This is said by Thames Water to be because the storm overflow tanks are not of sufficient capacity. Thames Water have stated that they hope to be able to implement a storm overflow reduction plan in the next regulatory cycle (2025-2030). For Therfield, the proposed work would not be completed until winter 2027 at the earliest<sup>2</sup>. However, NHDC will be aware that Thames Water is currently under threat of insolvency and temporary renationalisation, and that there are currently proceedings in the High Court seeking approval for an emergency interim restructuring to allow it to continue in business for the next few months<sup>3</sup>: permission may or may not be granted for that emergency restructuring and if it is not Thames Water is expected to go into Special Administration.

As well as the uncertainty as to Thames Water's future, it should be noted that the infrastructure improvement work contemplated by Thames Water were predicated on the regulator (Ofwat) approving an enormous increase in customer water charges. In the event, Ofwat has approved a very significant increase (35%), but not the much greater increase sought by Thames Water (53%). There is therefore, on a best-case scenario, a significant shortfall in funding, particularly having regard to the high cost of Thames Water's restructuring plans referred to above and in the referenced press article. It would not be unreasonable to anticipate that infrastructure upgrades will be prioritised having regard to where most of the new development is planned to take place within North Hertfordshire. Approximately 85% of all development under NHDC's approved Local Plan will take place in the towns, and development in the villages is to take place mostly within the Category A villages specifically identified for growth. Therfield is not such a village.

You indicated in your report (paragraph 3.10) that Thames Water has been consulted and has no objections to the proposed development. What you do not however make clear is that Thames Water is not a statutory consultee and has no special status in relation to planning proposals because, as a matter of law, there is an absolute right under section 106 of the Water Industry Act 1991 to connect to the sewerage system irrespective of capacity or cost to the undertaker, and therefore Thames Water cannot object to this or any other proposed development.

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<sup>1</sup> EDM Storm Overflow Regulatory Annual Return published by the Environment Agency using data supplied by water and sewerage undertakers, including Thames Water, available at <https://environment.data.gov.uk/dataset/21e15f12-0df8-4bfc-b763-45226c16a8ac>

<sup>2</sup> Thames Water website, "Investment Plans for Storm Discharge Sites", updated January 2025.

<sup>3</sup> See press coverage, for example the Guardian Article published on 3 February 2025: <https://www.theguardian.com/business/2025/feb/03/thames-water-seeks-high-court-approval-for-3bn-debt-lifeline>

It is therefore the responsibility of the planning authority to consider whether the proposed development would “contribute to unacceptable levels of water pollution” (NPPF).

Therfield Parish Council has objected to the proposed development on a number of grounds (see paragraph 3.3 of the officer's report) including the fact that Therfield sewage treatment plant is currently unable to deal with the present level of sewage and that an increased amount of raw sewage may be discharged into the internationally-important chalk streams if additional housing is permitted in the village. In response, at paragraph 4.3.51, you state that *"no evidence has been provided to support this view"*.

One of the purposes of this letter is to provide that evidence, which has been published by the Environment Agency and Thames Water. In the Environment Agency's most recent report, it highlighted the 244.75 hours of raw sewage discharge into the River Rib at Therfield.

In its storm overflow improvement plan for 2025-2030, Thames Water acknowledged that it is necessary to carry out improvement works to Therfield sewage treatment works and various other sewage treatment works within the Thames Water area, including North Herts (see footnote 2 above). In its published response to Ofwat's proposals to fine it £107 million for failures to manage its infrastructure appropriately, Thames Water acknowledged: *"we regard all untreated discharges as unacceptable"*.

In the event that it is considered appropriate to grant permission for this development, it is incumbent on the planning authority to avoid contributing to the already unacceptable levels of pollution into these internationally important waters and to include a so-called “Grampian condition” preventing development commencing unless and until the necessary improvements to Therfield sewage works have been completed. The use of Grampian conditions in similar circumstances has been blessed by the courts, and has been used by various planning authorities, including NHDC.

The proposed development in Therfield is not included as an approved site in NHDC's current Local Plan but would be a "windfall" development. This strengthens the argument for imposing a Grampian condition in this case, restricting this development until after these unacceptable levels of sewage discharge and water pollution in Therfield have been rectified.

Regards

Lynne Bogie

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